

PATENT APPLICATION

**RESPONSE UNDER 37 CFR §1.116
EXPEDITED PROCEDURE
TECHNOLOGY CENTER ART UNIT 1745**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Hirotsuna MIURA

Group Art Unit: 1745

Application No.: 10/791,719

Examiner: J. CREPEAU

Filed: March 4, 2004

Docket No.: 118424

For: METHOD FOR MANUFACTURING FUEL CELL, AND ELECTRONIC DEVICE
AND AUTOMOBILE INCLUDING THE FUEL CELL

REQUEST FOR RECONSIDERATION AFTER FINAL REJECTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the June 5, 2007 Office Action, reconsideration of the rejections is respectfully requested in light of the following remarks. Claims 1-6 are pending in this application, and claims 5 and 6 stand withdrawn from consideration.

Claims 5 and 6 remain withdrawn from consideration. However, Applicant respectfully submits that upon allowance of independent claim 1, withdrawn claims 5 and 6, which depend from independent claim 1, be rejoined and allowed.

Claims 1 and 2 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication No. 2004/0213902 Ajiki et al. (hereinafter Ajiki); claims 1, 2 and 4 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication No. 2004/0209152 to Yamada et al. (hereinafter Yamada); claim 3 is rejected

under 35 U.S.C. §103(a) over Yamada; claims 3 and 4 are rejected under 35 U.S.C. §103(a) over Ajiki; and claims 1-4 are provisionally rejected on the ground of non-statutory obviousness-type double patenting over the claims of co-pending U.S. Patent Application Nos. 10/780,737 to Yamada, which corresponds to U.S. Patent Application Publication No. 2004/0209152, and 10/781,752 to Ajiki, which corresponds to U.S. Patent Application Publication No. 2004/0213902. These rejections are respectfully traversed.

Applicant respectfully submits that the current application claims priority to JP 2003-058743, which was filed in Japan on March 5, 2003. Applicant hereby attaches an accurate English-language translation of JP 2003-058743. Thus, Applicant hereby perfects priority to JP 2003-058743. Because JP 2003-058743 was filed on March 5, 2003, which is prior to the filing dates of Ajiki (filed in the United States on February 20, 2004) and Yamada (filed in the United States on February 19, 2004), the rejections under 35 U.S.C. §102(e) and 35 U.S.C. §103(a) should be withdrawn.

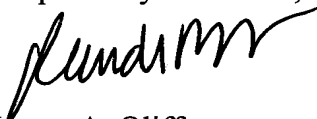
Additionally, with respect to the provisional rejections of claims 1-4 on the ground of non-statutory obviousness-type double patenting over the claims of co-pending U.S. Patent Application Nos. 10/780,737 and 10/781,752, MPEP §804(I)(B)(1) states that "[i]f a 'provisional' nonstatutory obviousness-type double patenting (ODP) rejection is the only rejection remaining in the earlier filed of the two pending applications, while the later-filed application is rejectable on other grounds, the examiner should withdraw that rejection and permit the earlier-filed application to issue as a patent without a terminal disclaimer."

Because the current application has a perfected filing date of March 5, 2003, the current application has a filing date prior to the filing dates of co-pending U.S. Patent Application Nos. 10/780,737 and 10/781,752. Thus, Applicant respectfully submits that the provisional non-statutory obviousness-type double patenting rejections should be withdrawn in accordance with MPEP §804(I)(B)(1).

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claim are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Registration No. 56,046

JAO:LXF/tjx

Date: September 5, 2007

Attachment:
English-language translation of JP 2003-058743

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